

**SECOND REPORT ON INTENT TO AMEND RULES**  
**Department of the Treasury**  
**Board of Trustees of the Louisiana State Employees' Retirement System**

Limitation on Earnings  
(LAC 58:I.2513)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes a repeal of LAC 58:I.2513 in its entirety. A review of the rule shows that it is repetitive and potentially confusing. Because the rule essentially duplicates the provisions of the statutory law enumerated in La. R.S. 11:221 concerning a limitation on earnings, a repeal of §2513 would streamline and simplify LASERS disability rules. The proposed rule change complies with and is enabled by R.S. 11:515. The notice of intent to amend these rules was published on October 20, 2015. In that notice of intent, interested persons were given until 4:30 pm, November 30, 2015 to submit written comments on the proposed changes.

LASERS reports the following:

- No parties submitted a request for an opportunity for an oral presentation or argument on the proposed rule changes.
- No parties submitted comments on the proposed rule changes.
- No parties submitted a request for further information on the proposed rule changes.
- Absent a request for oral presentation or argument, no public hearing was held on the proposed rule changes.
- Absent a public hearing, no comments or testimony on the proposed rule changes were received.
- Absent comments or testimony on the proposed rule changes, LASERS has prepared no response to same.
- Absent comments or testimony on the proposed rule changes, LASERS has prepared no statement of tentative or proposed action.
- Absent comments or testimony on the proposed rule changes, LASERS has made no revision of the proposed rule changes since the initial report to the legislature.

Subject to legislative oversight by either the House or Senate Retirement Committee, the board intends to submit a Rule to the Office of the State Register for publication. Please contact Steve Stark at (225) 922-0398 if the board may be of any assistance to you concerning this rule.

Cindy Rougeou  
Executive Director

**§331. Inactive Caverns**

A. - A.6. ...

7. No inactive hydrocarbon storage cavern may be returned to service without first submitting a written request and work permit application to the Office of Conservation and obtaining approval of the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 40:366 (February 2014), amended LR 42:

**§337. Closure and Post-Closure**

A. - A.3. ...

a. assurance of financial responsibility as required in §309.B.1. All instruments of financial responsibility shall be reviewed according to the following process:

i. detailed cost estimate for closure of the well and related appurtenances (well, cavern, surface appurtenances, etc.) as prepared by a qualified professional. The closure plan and cost estimate shall include provisions for closure acceptable to the Office of Conservation;

A.3.a.ii. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:4 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 40:367 (February 2014), amended LR 42:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Statement**

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested parties will be afforded the opportunity to submit data, views, or arguments, in writing. Written comments will be accepted by hand delivery or USPS only, until 4 p.m., November 9, 2015, at Office of Conservation, Executive Division, P.O. Box 94275, Baton Rouge, LA 70804-9275; or Office of Conservation, Executive Division, 617 North Third Street, Room 931, Baton Rouge, LA 70802. Reference Docket No. CRA 2015-12. All inquiries should be directed to Stephen Lee at the above addresses or by phone to (225) 342-5569. No preamble was prepared.

James H. Welsh  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Hydrocarbon Storage Wells  
in Salt Dome Cavities**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There is no anticipated additional cost to state or local governmental expenditures nor an anticipated increase in workload as a result of the proposed rule change. Pursuant to

Act 691 and Act 766 of the 2014 Regular Legislative Session, the proposed rule change specifies; (1) criteria for public hearings for permitting hydrocarbon storage wells in Iberia Parish; (2) provides for reimbursement for non-commercial property owners subject to evacuation resulting from emergencies associated with hydrocarbon storage wells; (3) authorizes the commissioner of conservation to ensure collection of reimbursement to the above referenced non-commercial property owners and reimbursement to the state and any political subdivision of the state for costs incurred in responding to emergencies associated with hydrocarbon storage wells; (4) requires submittals to the Office of Conservation from hydrocarbon storage operators to include the associated state hydrocarbon storage well serial number with any submittal; (5) corrects typographical errors; (6) adds language to clarify the existing regulations; and (7) adds a definition related to new regulatory requirements.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE  
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will have no effect on revenue collections of state or local government units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO  
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL  
GROUPS (Summary)**

The proposed rule change will only affect the owners and/or operators of hydrocarbon storage wells. There will be no increased costs to operators of hydrocarbon storage wells seeking permits in Iberia Parish. Any additional advertising costs associated with the requirement for increased public notice for public hearings in Iberia Parish are covered by the current Office of Conservation fee for public hearings. There is no anticipated increase in cost to operators of hydrocarbon storage wells or facilities due to the requirement for reimbursement to noncommercial immovable property owners subject to an evacuation order associated with emergencies related to hydrocarbon storage. The current rules and regulations have been promulgated to prevent such emergencies from occurring. All other rule changes will result in no increased costs to hydrocarbon storage well operators. All required documentation will be provided on existing paperwork.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

The proposed rule change will have no effect on competition and employment.

James H. Welsh  
Commissioner  
1510#057

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees of the Louisiana State  
Employees' Retirement System**

**Limitation on Earnings (LAC 58:I.2513)**

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes a repeal of LAC 58:I.2513 in its entirety. A review of the rule shows that it is repetitive and potentially confusing. Because the rule essentially duplicates the provisions of the statutory law enumerated in R.S. 11:221 concerning a limitation on earnings, a repeal of §2513 would streamline and simplify LASERS disability rules. The proposed rule change complies with and is enabled by R.S. 11:515.

**Title 58  
RETIREMENT**

**Part I. Louisiana State Employees' Retirement System  
Chapter 25. Procedures for Processing Disability  
Applications**

**§2513. Limitation on Earnings**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 24:1959 (October 1998), LR 27:1581 (September 2001), LR 38:836 (March 2012), repealed LR 42:

**Family Impact Statement**

The proposed Rule repeal is not anticipated to have an impact on family formation, stability, or autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

The proposed Rule repeal is not anticipated to have an impact on poverty as described in R.S. 49:973.

**Small Business Statement**

The proposed Rule repeal is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rule repeal is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

**Public Comments**

Interested persons may submit written comments on the proposed changes until 4:30 p.m., November 30, 2015 to Steve Stark, Board of Trustees for the Louisiana State Employees' Retirement System, P.O. Box 44213, Baton Rouge, LA 70804. No Rule preamble has been prepared.

Cindy Rougeou  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Limitation on Earnings**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will have no impact on state or local government expenditures. The proposed change repeals a rule provision on disability retiree earnings limits that is unneeded because statutory law, §221 of Title 11 of the Revised Statutes, covers the same subject matter and remains in effect.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change concerns disability beneficiaries engaged in a gainful occupation paying more than the difference between their retirement allowance and their average final compensation. The proposed repeal of §2513 will not change these limits because La. R.S. 11:221 remains the law.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change will have no effect on competition or employment.

Cindy Rougeou  
Executive Director  
1510#022

Evan Brasseaux  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of the Treasury  
Board of Trustees of the  
Municipal Police Employees' Retirement System**

Vesting of Benefits on Plan Termination (LAC  
58:XVIII.105)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 11:2225(B), that the Board of Trustees of the Municipal Police Employees' Retirement System has approved for advertisement the adoption of §105 of Chapter 1 of Part XVIII, included in Title 58, Retirement, of the *Louisiana Administrative Code*. The proposed Rule is being adopted to reiterate that a member's accrued benefits are non-forfeitable to the extent funded upon termination of the Municipal Police Employees' Retirement System and to assure that the Municipal Police Employees' Retirement System will remain a tax-qualified retirement plan under the United States *Internal Revenue Code* and the regulations thereunder. A preamble to this proposed action has not been prepared.

**Title 58**

**RETIREMENT**

**Part XVIII. Municipal Police Employees' Retirement System**

**Chapter 1. Internal Revenue Code Provisions**

**§105. Vesting of Benefits at Plan Termination**

A. In the event of termination or partial termination of the system's pension plan, accrued benefits of affected members shall become vested and nonforfeitable to the extent funded as of the date of the termination or partial termination of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2225(B).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Municipal Police Employees' Retirement System, LR 42:

**Family Impact Statement**

The proposed adoption of LAC 58:XVIII.105, regarding Internal Revenue Code provisions applicable to the Municipal Police Employees' Retirement System, should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D), or on family formation, stability and autonomy. Specifically, there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children; or